

D.B.C.SPECIAL APPEAL NO. 220/2006
(UNION OF INDIA & ORS. VS. THE JUDGE, LABOUR COURT, JODHPUR)

Date of Order :: 20.4.2006

HON'BLE MR RAJESH BALIA, J.
HON'BLE MR R.P. VYAS, J.

Mr. Kuldeep Mathur, for the appellants

We are of the opinion that no case for interference in the order under appeal is made out. The grievance of the appellant is that the ad-interim stay order dated 23.1.2006 has been made subject to condition of the petitioner complying with the provisions of Section 17B of the Industrial Disputes Act, 1947. Obviously, there is no positive direction to make payment of last drawn wages to the respondent as apprehended by the learned counsel for the appellants. The language of Section 17B is very clear that where the workman had not been employed in any establishment during such period and an affidavit by such workman had been filed to that effect in the Court, the workman is entitled to receive the last drawn wages from the employer unless the Court otherwise orders on being satisfied on the application of the employer that the workman during the period in issue was gainfully employed elsewhere. In the absence of any such order, the mandate of Sec. 17B operates automatically.

According to the learned counsel for the

appellant still no application under Sec. 17B of the Industrial Disputes Act has been filed by the respondent-workman with requisite affidavit so as to operate Sec. 17B.

The appeal is accordingly, dismissed.

(R.P.VYAS), J.
BALIA), J.

(RAJESH

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